

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**IN RE:  
PACKET CONSTRUCTION LLC**

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**DEBTOR**

**BANKRUPTCY CASE NO. 23-10860**

**FIRST AMENDED DECLARATION OF JOHN MILLER IN SUPPORT OF  
DEBTOR'S MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

I, John Miller, state as follows:

**I. INTRODUCTION**

1. I am the President of Packet Construction LLC, the Debtor and Debtor-in-Possession ("Debtor"). I am familiar with the Debtor's day-to-day operations, business affairs, books and records.
2. I submit this declaration ("Declaration") to assist the Court and other parties-in-interest in understanding the need for expedited consideration of the Debtor's Motion for Authority to Use Cash Collateral (Docket No. 5).
3. Except as otherwise indicated, all facts set forth in this Declaration are based upon my personal knowledge, my review of relevant documents, or my opinion based on my experience and knowledge of the Debtor's operations. If I were called to testify, I would testify competently to the facts set forth in this Declaration.

**II. EXPEDITED MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

4. On October 12, 2023, the Debtor filed a Motion for Authority to Use Cash Collateral. The basis of this Motion is to allow the Debtor to continue the management and operation of its civil construction for electric utilities and site work for foundations of substations and

powerlines business. The Debtor relies on its cash collateral to pay payroll, buying inventory, and other business expenses. If the Debtor is unable to use this cash collateral, it will be unable to manage its civil construction for electric utilities and site work for foundations of substations and powerlines business.

5. Expedited consideration is requested because the Debtor needs to continue its operations of its civil construction for electric utilities and site work for foundations of substations and powerlines business. The Debtor's only income source is through its civil construction business.
6. The continued operation of the Debtor depends on its civil construction for electric utilities and site work for foundations of substations and powerlines business.

### **III. CONCLUSION**

7. Approval of the Motion is in the best interest of the Debtor, its estate, and its creditors.
8. I have reviewed this Declaration and hereby declare under penalty of perjury that the foregoing is true and correct and within my own personal knowledge.

Executed this 16th day of October 2023.

/s/ John Miller  
John Miller  
President